

HOUSE JOINT RESOLUTION 24

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF NEW MEXICO TO
PROVIDE THAT THE MEMBERSHIP OF JUDICIAL NOMINATING COMMISSIONS
AND COMMITTEES REPRESENT THE ETHNIC, GENDER AND GEOGRAPHIC
DIVERSITY OF THIS STATE.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. It is proposed to amend Article 6, Section 35
of the constitution of New Mexico to read:

"A. There is created the "appellate judges
nominating commission", consisting of: the chief justice of the
supreme court or the chief justice's designee from the supreme
court; two judges of the court of appeals appointed by the
chief judge of the court of appeals; the governor, the speaker
of the house of representatives and the president pro tempore
of the senate shall each appoint two persons, one of whom shall

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1 be an attorney licensed to practice law in this state and the
2 other who shall be a citizen who is not licensed to practice
3 law in any state; the dean of the university of New Mexico
4 school of law, who shall serve as chairman of the commission
5 and shall vote only in the event of a tie vote; four members of
6 the state bar of New Mexico, representing civil and criminal
7 prosecution and defense, appointed by the president of the
8 state bar and the judges on this committee. The appointments
9 shall be made in such manner that the membership of the
10 commission reflects the ethnic, gender and geographic diversity
11 of this state and that each of the two largest major political
12 parties, as defined by the Election Code, shall be equally
13 represented on the commission. If necessary, the president of
14 the state bar and the judges on this committee shall make the
15 minimum number of additional appointments of members of the
16 state bar as is necessary to ~~make~~ ensure that the membership
17 reflects the ethnic, gender and geographic diversity of this
18 state and to ensure that each of the two largest major
19 political parties ~~be~~ is equally represented on the
20 commission. These additional members of the state bar shall be
21 appointed such that the diverse interests of the state bar are
22 represented. The dean of the university of New Mexico school
23 of law shall be the final arbiter of whether ~~such diverse~~
24 ~~interests are represented~~ the membership of the commission
25 satisfies the requirements of this section. Members of the

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1 commission shall be appointed for terms as may be provided by
2 law. If a position on the commission becomes vacant for any
3 reason, the successor shall be selected by the original
4 appointing authority in the same manner as the original
5 appointment was made and shall serve for the remainder of the
6 term vacated.

7 The commission shall actively solicit, accept and evaluate
8 applications from qualified lawyers for the position of justice
9 of the supreme court or judge of the court of appeals and may
10 require an applicant to submit any information it deems
11 relevant to the consideration of his application.

12 B. Upon the occurrence of an actual vacancy in the
13 office of justice of the supreme court or judge of the court of
14 appeals, the commission shall meet within thirty days and
15 within that period submit to the governor the names of persons
16 qualified for the judicial office and recommended for
17 appointment to that office by a majority of the commission.

18 C. Immediately after receiving the commission
19 nominations, the governor may make one request of the
20 commission for submission of additional names, and the
21 commission shall promptly submit such additional names if a
22 majority of the commission finds that additional persons would
23 be qualified and recommends those persons for appointment to
24 the judicial office. The governor shall fill a vacancy or
25 appoint a successor to fill an impending vacancy in the office

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1 of justice of the supreme court or judge of the court of
2 appeals within thirty days after receiving final nominations
3 from the commission by appointing one of the persons nominated
4 by the commission for appointment to that office. If the
5 governor fails to make the appointment within that period or
6 from those nominations, the appointment shall be made from
7 those nominations by the chief justice or the acting chief
8 justice of the supreme court. Any person appointed shall serve
9 until the next general election. That person's successor shall
10 be chosen at such election and shall hold the office until the
11 expiration of the original term "

12 Section 2. The amendment proposed by this resolution
13 shall be submitted to the people for their approval or
14 rejection at the next general election or at any special
15 election prior to that date that may be called for that
16 purpose.

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